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HUMAN RIGHTS COMMITTEE

Fifty-third session

SUMMARY RECORD OF THE 1389th MEETING*

Held at Headquarters, New York,
on Tuesday, 21 March 1995, at 10 a.m.

Chairman: Mr. AGUILAR

later: Mr. EL-SHAFEI (Vice-Chairman)

later: Mr. AGUILAR (Chairman)

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* No summary record was issued for the 1388th meeting.

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Second periodic report of Argentina (CCPR/C/75/Add.1)

1. At the invitation of the Chairman, Mr. Barra and Ms. Regazzoli (Argentina) took places at the Committee table.

2. Ms. REGAZZOLI (Argentina) said that, in the past five years since President Menem had taken office, Argentina had pursued profound constitutional and legal change and reform of its prison system with the aim of consolidating democracy and strengthening the observance of human rights. The revised Constitution which had entered into force on 24 August 1994 established that international treaties took precedence over national laws and that human rights treaties, including the International Covenant on Civil and Political Rights and its Optional Protocol, enjoyed "constitutional rank". Earlier, in 1992, the Supreme Court had ruled that treaties, in particular, the American Convention on Human Rights, took precedence over national laws. The new Constitution also contained a set of positive norms relating to universal human rights without prejudice to the regional norms by which Argentina was bound. Moreover, the executive branch could not take a decision to withdraw from international treaties without the approval of two thirds of the National Congress. Aware that political democracy was not sufficient to guarantee all human rights, Argentina was also seeking to promote social justice. Her Government was submitting an additional report on the 1994 reforms which had been introduced after the period covered by the second periodic report. Reforms in the criminal justice system had transformed the concept of the role of justice in Argentina. In criminal cases, there had been a shift from written proceedings under the inquisitorial system to a system of oral proceedings.

3. Since the restoration of democracy in December 1983, measures had been taken to provide compensation to the victims of past human rights violations. Legislation had been adopted to address the situation of detainees and civilians who had been tried or convicted by military courts. Act No. 23,852 of September 1990 granted an exemption from military service to sons or brothers of disappeared persons. A group of detainees under the state of siege who had been informed in 1980 that the time-period for filing their claims had expired had successfully petitioned the Inter-American Commission on Human Rights. As a result, all those detained prior to 1983 who had initiated claims for compensation before 1985 or whose cases were still being heard were entitled to compensation. All 280 requests submitted to the authorities had been honoured. Under resolution 1768/94, an increase in the amount of compensation was being considered. Act No. 24,043 also extended compensation to persons who had been detained as a result of military court decisions, even if they had not filed claims for damages. Of approximately 9,000 requests submitted, 5,000 had already been processed and 2,000 were being reviewed. Only 700 requests had been rejected.

4. Under a broad interpretation of that legislation, proposed by the Under-Secretary for Human Rights, compensation was provided to children born during the imprisonment of their parents. Under Act No. 24,321 of May 1994, compensation was provided to relatives of victims of enforced disappearances and to members of human rights non-governmental organizations (NGOs). Act No.24,411 of December 1994 provided for compensation to be paid to the heirs and assigns of disappeared persons or those who had perished at the hands of the armed forces, the security forces or paramilitary groups prior to 10 December 1983. A national commission had been established in order to continue the search for children who had disappeared and to determine the whereabouts of kidnapped or disappeared children whose identity was unknown. The Commission's tasks were carried out at the request of the Asociación Abuelas de Plaza de Mayo (Association of Grandmothers of the Plaza de Mayo) or on its own initiative, including the processing of birth certificates and identification papers and the submission of requests for the assignment of additional attorneys in order to facilitate the settlement of cases and for specific information from the office of the Under-Secretary for State Intelligence in order to ascertain the authenticity of anonymous complaints. The commission also submitted requests to the national electoral department for information concerning the whereabouts of disappeared persons and opened complaint files. The commission had filed 24 complaints during the period covered by the second periodic report. Twenty-five of those complaints concerned children of disappeared persons, 22 concerned trafficking in children and one dealt with the verification of family relationships. The Asociación Abuelas de Plaza de Mayo had requested information on 125 persons and the commission had requested information on 26 persons. The commission divided its work into four areas - legal, genetic, administrative and investigations.

5. The new Constitution characterized enforced disappearance of persons as a crime. Domestic legislation would be adopted in accordance with the Inter-American Convention on the Forced Disappearance of Persons, adopted on 5 June 1994 by the General Assembly of the Organization of American States (OAS).

6. Argentina had also made major institutional strides in the field of human rights. Under Decree No. 1598 of July 1993, the post of Government Procurator for the Prison System had been established at the level of Under-Secretary of State within the executive branch. His functions included the protection of the human rights of prisoners under the national legal order and in accordance with the relevant international convention to which Argentina was a party. The Government Procurator periodically visited prisons and investigated acts or omissions which undermined prisoners' rights, formulating criminal complaints where necessary. Under Act No, 24,284 of December 1993, the post of independent Ombudsman had been established with the legislative branch in order to ensure that the rights and interests of individuals and of the community were protected against acts or omissions by the national public administration. In September 1992, a rights and guarantees Committee had been established by the Chamber of Deputies in order to ensure that both houses of the National Congress would have a forum in which to debate human rights issues.

7. The United Nations had provided invaluable assistance in strengthening Argentina's human rights institutions. The Centre for Human Rights had provided

support in the areas of publicity and training to the Institute for the Promotion of Human Rights, established in 1994.

8. Argentina played an active role in international human rights bodies even though it was not a member of them. It had yielded its place on the Commission on Human Rights to other countries of the region but, as an observer, had followed the work of the Commission since 1992 and sponsored the draft resolution on the effective implementation of human rights instruments, including reporting obligations under international human rights instruments, on human rights and thematic procedures, on the United Nations Decade for Human Rights Education, on the right to restitution, compensation, and rehabilitation for victims of gross violations of human rights and fundamental freedoms and on the question of enforced disappearances. It had also promoted human rights as an observer in the Economic and Social Council. In the General Assembly, Argentina had worked tirelessly to consolidate the guidelines for the World Conference on Human Rights, held at Vienna in 1993, stressing the universality, interdependence and indivisibility of human rights. Additional reports on the work of the Government Procurator for the Prison System, the new Code of Criminal Procedure, the identification of children and the current situation of women were being submitted.

9. Mr. BARRA (Argentina) said that the protection of human rights was enshrined in the National Constitution of 1853, modelled on the United States Constitution, which included a declaration of rights and guarantees. During the reform process of 1994, the Constituent Convention had not altered the original declaration of rights and guarantees and had added guarantees concerning democracy and the nullification of acts of force designed to overthrow democracy; such acts were not subject to amnesty or pardon, nor were there any time-limits on the prosecution of such acts. The new chapter on rights and guarantees also established the people's right to challenge any violation of the constitutional order, including attitudes or conduct contrary to the public ethic. Under the section on political rights, the Constitution guaranteed universal suffrage and the secret ballot and prescribed positive action to ensure the equal participation of women and other vulnerable groups in political life. It also guaranteed a pluralistic system, popular initiatives and referenda, the right to a safe environment and consumer rights. Those individual rights and other collective rights were protected by the remedy of amparo. The Ombudsman established by the Constitution worked with private associations and non-governmental organizations involved in the protection of those collective rights. Referring to the constitutional rank of international human rights treaties over national law, he added that, under an innovative system, competence, including jurisdictional competence, could be delegated to international bodies whose decisions would be binding on Argentine courts. Those measures to protect human rights were complemented by the establishment of the Office of the Auditor-General who, like the Ombudsman, was under the authority of the legislative branch..

10. The judicial branch had also been significantly reformed. The new Constitution required the approval of a two-thirds majority of the Senate for appointments of Supreme Court judges by the President of the Republic. Other judges were appointed by a Council on the Judiciary, established by the Constitution and composed of representatives of the judiciary, and the

legislature, and of lawyers and academics. The Council on the Judiciary also administered the resources of the judicial branch and established regulations for its functioning. Under the new Constitution, judges were tried in a special court for misconduct and other offences contained in the Code of Criminal Procedure. The judges of that court were also representatives of the judiciary and the legislature, and attorneys and academics. A Department of Public Prosecutions had also been established to guarantee law and order, protect human rights and develop national criminal justice policy. The National Congress was currently enacting laws based on the constitutional reforms.

11. The institution of oral proceedings in criminal cases not only guaranteed transparency and immediate contact between the judge and the parties but was also helping to relieve a serious backlog. Under the former system, persons in pre-trial detention had remained in prison for two to five years before their cases were heard. Under the new system, that time period had been shortened to eight months. Profound changes in prison policy included not only the establishment of Government Procurator for the Prison System, but also of a Secretary of Prison Policy and Social Rehabilitation, marking the first time that prison policy was determined at such a high level. Prison policy for the years 1995-1999 was currently being reviewed. The prison reforms also included an ambitious prison-building programme; shortly, bids would be invited for the construction of two facilities with a 5,000-person capacity, which would replace older prisons where the basic human dignity of prisoners could not be guaranteed. A programme for the rehabilitation and training of prison personnel was also under consideration.

12. Lastly, oral proceedings were also being instituted in civil cases, guaranteeing closer contact between judges and the parties and more expeditious settlement of cases. Alternatives for settling disputes out of court, in particular the arbitration of labour disputes, were also being promoted.

Constitutional and legal framework within which the Covenant is implemented, state of emergency and rights of persons belonging to minorities (art. 2, paras. 2 and 3, art. 4 and art. 27) (sect. I of the list of issues)

13. The CHAIRMAN read out section I of the list of issues concerning the second periodic report of Argentina, namely (a) information on specific instances where the Covenant had been invoked before and applied by the courts and on the resolution of inconsistencies between domestic legislation and the Covenant, in particular, action taken by the authorities as a result of the comments made by Committee members at the end of the consideration of the initial report with regard to the compatibility of the laws of "Punto Final" and "Due Obedience" with articles 2 and 7 of the Covenant; the extent to which human rights violations committed during the state of siege (24 March 1976 to 10 December 1983) had been investigated and those found guilty had been punished; (b) information on legal and court practices concerning the enforcement of Decree No. 70/91 and Act No. 24,043 of 1991 relating to compensation for crimes committed during the period in which the state of siege had been in force; and whether a law similar to Act No. 24,043 existed for victims of torture and disappeared persons; (c) information on the number and nature of, as well as on follow-up given to, complaints submitted to the Under-Secretariat for Human and Social Rights and its National Technical and Pre-trial

Department; (d) whether the draft law regulating the power of the executive branch with respect to the imposition of a state of siege had been enacted, and clarification as to which rights provided for under the Covenant could be suspended in such a case, and the maximum duration of a state of siege; (e) statistical information on the number of persons belonging to indigenous groups, and on measures taken by the National Institute of Indigenous Affairs and other competent bodies to preserve their cultural identity, language and religion; and (f) measures taken to disseminate information on the rights recognized in the Covenant and on the first Optional Protocol; how the second periodic report had been prepared and whether national institutions for human rights - either governmental or non-governmental - had been consulted; and the extent to which the public had been made aware of the Committee's examination of the second periodic report.

14. Ms. REGAZZOLI (Argentina), referring to section I (a) of the list of issues said that the legal order in existence since 1853 allowed for the application of international treaties by the national authorities. The jurisprudence of the Supreme Court of Justice had consistently made it clear that international treaties were applicable by Argentine courts. The Supreme Court of Justice had ruled that treaties were equal in status to national laws, and that principle had been applied in numerous cases. However, on 7 July 1992 that jurisprudence had changed as a result of a decision by the Supreme Court of Justice, as described in paragraph 32 of the report; as a result, treaties now prevailed over national legislation. That averted the problem of conflict between an international agreement and any subsequent national law. Furthermore, the recent National Constituent Convention had given to treaties as a whole a status higher than that of domestic laws.

15. Mr. BARRA (Argentina) said that a very important principle which had recently been accepted was that decisions made by international tribunals pursuant to treaties to which Argentina was a party had the force of law in Argentina. The decisions of those tribunals regarding their jurisdiction could not be reviewed by any Argentine court, even the Supreme Court of Justice. That principle had been established in the context of the case of a former German officer whose extradition had been requested by Italy as a result of his actions during the Second World War. In accordance with the principle of good faith, it had been determined that obligations arising out of international agreements were to be fully carried out, notwithstanding the actions of the country's domestic courts.

16. Furthermore, it had been clearly laid down by the recent Constituent Convention that international treaties prevailed over domestic law, that human rights treaties had the force of constitutional law, and that supranational bodies established pursuant to such treaties could have jurisdiction.

17. Ms. REGAZZOLI (Argentina), referring to the question regarding the laws of "Punto Final" and "Due Obedience", said that Act No. 23,492 and Act No. 23,521 concerned acts carried out by military personnel of the armed forces and by security and penitentiary personnel, between 24 March 1976 (the date of the coup d'état) and 26 September 1983. The "Punto Final" law was designed to ensure that trials were completed within a period of 60 days. The "Due Obedience" law set limits to judicial review; the only criminal proceedings to be continued

were those against persons who had exercised effective command and power of decision by virtue of their positions in the armed forces and the security forces. The incompatibility of those laws with international standards had not been taken into consideration when they had been instituted.

18. The Committee against Torture had expressed the opinion that Argentina had a moral duty to compensate the victims of human rights abuses; such compensation was indeed being given, and had already been received by almost all of the victims. The Inter-American Commission on Human Rights had also recommended a policy of compensation.

19. Referring to the question regarding the investigation of the events which had taken place between 24 March 1976 and 10 December 1983, she said that the democratic Government which had come to power after that period had adopted a policy of investigating and prosecuting those responsible for the human rights abuses. The first act of the new National Congress had been to declare that Act No. 22,924, the so-called self-amnesty law, was null and void. Within five days of coming to power, President Raúl Alfonsín had set up the National Commission on Disappearances.

20. The prosecution of the members of the last three military juntas made it possible for all the evidence to be brought together in a single case and all the recent events to be investigated. The decision of the federal court in that case demonstrated that there had been criminal conduct and that the military commanders had been responsible for it.

21. Numerous other cases had been investigated, prosecuted and judged; reparations had been and were still being made. Argentina must proceed with its programme of reforms in order to achieve national coexistence and become a country where all the people could live together in peace.

22. Mr. BARRA (Argentina) added that on the previous day, a federal court had granted a request by a citizen wishing to obtain from the relevant authorities, especially the military authorities, any lists which might exist of the names of disappeared persons. That illustrated the way in which justice was still being done, within the framework of existing legislation.

23. Ms. REGAZZOLI (Argentina), referring to the question regarding the enforcement of Decree No. 70/91 and Act No. 24,043 pointed out that the matter was dealt with in the introduction to the report. The amounts paid to victims of unlawful detention varied according to the duration of that detention, but were in some cases as high as $500,000.

24. Referring to the question regarding the treatment of complaints submitted to the Under-Secretariat for Human and Social Rights, she said that about 50 complaints and petitions were received each month. If it appeared that a government official was implicated in a criminal act, the appropriate procedures were initiated. If it seemed that the problem could be settled by mediation, that function was carried out by the Under-Secretariat.

25. Regarding the power to impose a state of siege, she recalled that no situation necessitating the declaration of a state of siege had arisen since

1989, and the relevant constitutional rule had not changed. In that respect, Argentine law was governed by the rules of international law, specifically article 4 of the Covenant and article 27 of the American Convention on Human Rights, regarding both the declaration of a state of siege itself and the determination of which rights could not in any case be suspended.

26. Referring to the question regarding indigenous groups, she said that the recent constitutional reform had been particularly important in terms of guaranteeing the ethnic and cultural identity of indigenous peoples.

27. Mr. BARRA (Argentina) said that the role of the Constitution was very important in protecting the identity of the indigenous groups. He read out article 75, paragraph 17, of the Constitution, which detailed the Government's obligations in that respect. He drew attention to the provisions which gave indigenous groups a distinct status, especially in respect of ownership of their land.

28. Ms. REGAZZOLI (Argentina) mentioned a number of special laws in existence in various provinces which provided for special measures for indigenous groups. She read out a detailed list of the names and numbers of indigenous groups in each province; the various groups totalled approximately 376,500 in the country as a whole.

29. Referring to the question regarding the dissemination of information on the Covenant, she said that the Constitution was currently published in a format which incorporated those international instruments which had been given constitutional status, including the Covenant and its first Optional Protocol. The Under-Secretariat for Human and Social Rights was working to include awareness of human rights and democracy at all levels of education, to provide training for government officials, police officers and members of the security forces, and promote the publication of appropriate literature.

30. The CHAIRMAN asked whether there was a law similar to Act No. 24,043 for victims of torture and disappeared persons.

31. Ms. REGAZZOLI (Argentina) said that such cases came within the scope of the same law on compensation of the victims of illegal detention; a person who had not been detained could not be a victim of torture. She recalled that in the preceding 30 days, 2,700 claims had been received regarding cases of disappearance.

32. Mr. PRADO VALLEJO said that the Committee had had a constructive dialogue with the Government during the consideration of its previous report. He congratulated the representatives of Argentina for the quality of their informative presentation.

33. The report should have contained more information regarding the way in which the relevant laws were currently being put into practice, rather than simply describing the provisions of those laws. The dialogue between the Committee and the Government should reveal what difficulties existed in the implementation of the Covenant, as well as showing the progress that had been made. That progress was indeed considerable, especially in respect of the new

Constitution. The creation of the Under-Secretariat of Human and Social Rights, of the National Technical and Pre-Trial Department, and of the Under-Secretariat for Human Rights and Women, were also major steps forward. The possibility of invoking the Covenant directly in the courts was also important.

34. The laws of amnesty and pardon were, however, a cause for concern to the Committee. Democracy could not be consolidated where impunity continued to exist; such laws would impede the investigation of human rights violations, the punishment of those responsible, and the compensation of victims.

35. Although paragraphs 6 and 25 of the second periodic report mentioned compensation for anyone who was arbitrarily or illegally detained between 1976 and 1983, the reporting State should be more specific about the appeal procedures open to victims of torture and the families of disappeared persons who wanted to know the truth about the State's activities in relation to their cases. The Committee viewed the apparent lack of access to an appeal procedure as a point of fundamental incompatibility with the Covenant.

36. He noted that certain non-governmental organizations had actually initiated legal proceedings against the Argentine State rather than specific individuals, and it would be interesting to learn how the State was handling those charges.

37. Article 15 of the Argentine Constitution stated that there were no slaves in Argentina, but the few which still existed were free from the moment the Constitution came into force. Additional information on any such cases should be provided.

38. Article 23 of the Argentine Constitution, which referred to the measures the Government could take to implement a state of siege, omitted to mention any limitation on the suspension of rights which could arise in such cases. That omission appeared to conflict with article 4 of the Covenant, where it was clearly stated that some rights did not admit of derogation. The reporting State should therefore indicate exactly which rights could not be suspended in a state of siege.

39. Mr. BRUNI CELLI expressed concern that laws like Argentina's laws on impunity meant that many individuals managed to escape justice.

40. Mr. MAVROMMATIS said he was disappointed that on some issues the reporting State had merely indicated that it had nothing to add to its previous report, for example in its comments regarding article 7 of the Covenant. Complaints relating to various articles of the Covenant were made all the time, and more information about any such complaints and the way the Argentine authorities had dealt with them would have been welcome. Furthermore, he was not satisfied that the reporting State had provided detailed enough answers to some of the Committee's questions. For example, with reference to section I (a) of the list of issues, he cited the case of children of disappeared persons who had been unlawfully abducted. Although the children had later been returned to the care of their grandparents, those responsible for the abductions had never been brought to justice.

41. Regarding indigenous populations, the reporting State should be more specific about measures it had taken to encourage the positive exercise of their rights, and with specific reference to paragraph 21 of the report, the Committee would appreciate further information on the prerequisites for registration, the benefits it bestowed and the results of the registration programme.

42. Mr. POCAR said that the Committee's revised general comment on article 7 of the Covenant stated that amnesties were incompatible with the investigation of crimes and the bringing of those responsible to justice. Nor could individuals be deprived of their right to compensation, even if the violations in question had taken place before Argentina's ratification of the Covenant. The State had both a legal and a moral duty to pay such compensation.

43. With regard to the remedy of amparo described in article 43 of the Argentine Constitution, he would appreciate further information on what reparations were made to the victim of a violation in the event of such proceedings being initiated. Furthermore, paragraph 4 of the same article seemed to imply that a judge could issue an immediate ruling in some but not all cases of human rights violations.

44. He took it that article 75, paragraph 22, of the Argentine Constitution enshrined a constitutional right to transmit communications to the Human Rights Committee, and requested further details about how that right was to be implemented.

45. Mrs. EVATT agreed that the report did not contain sufficient information about the practical implementation of human rights in Argentina. With reference to section I (c) of the list of issues, the reporting State should provide more detail about the complaints submitted to the Under-Secretariat for Human and Social Rights and indicate how many of those complaints had resulted in prosecutions. In addition, she requested further information about the actual function of the Rights and Guarantees Committee established by the Chamber of Deputies which was mentioned in paragraph 19 of the second periodic report.

46. The Committee required much fuller information about the status of indigenous peoples. Specifically with regard to Act No. 3,258 of 1987, she wondered whether the provision regarding the return of land to indigenous groups had been implemented in full and to what extent customary law was recognized. More details would be welcome on the National Institute of Indigenous Affairs, its role and resources and whether its staff included members of indigenous groups.

47. She inquired whether any non-governmental organizations had been consulted in the preparation of the second periodic report and if that report had been disseminated to any such groups.

48. Mr. EL-SHAFEI said that, although information on some articles of the Covenant was lacking and some important legal reforms were not reflected, the report would be extremely useful in continuing the dialogue begun with the initial report. He requested clarification of an apparent discrepancy between the report submitted by Argentina to the Committee against Torture, which had included information on two separate states of siege that had been imposed and

the restriction of certain rights, and paragraph 30 of the report before the Committee, which stated that there had never been a situation in which a state of siege had been imposed.

49. The Inter-American Commission on Human Rights had suggested a number of legal reforms, and he would like to know whether those reforms had been approved for long-term implementation.

50. Mrs. HIGGINS asked for more information on the reform of the Civil Code. With regard to the question of compensation to victims of human rights violations, further explanation was needed of the reasons for imposing time-limits in such cases.

51. The new laws regarding indigenous groups also addressed the question of their access to natural resources, and it would be interesting to learn what specific steps had been taken in that regard.

52. Mr. El-Shafei, Vice-Chairman, took the Chair.

53. Mr. LALLAH associated himself with concerns expressed by other members regarding the "Punto Final" law which, in his view, posed an impediment to victims of human rights violations seeking a remedy.

54. With regard to indigenous peoples, he wondered whether the Government of Argentina had been aware of the Committee's general comment on article 27 of the Covenant when it had drafted its new legislation. That article did not just provide for equality for minorities, but it recognized their cultural rights as well. In the Covenant, culture meant a way of life, which was often associated with land and resources. He requested further information on specific action taken on behalf of minorities, particularly concerning control of natural resources by indigenous groups.

55. Mr. KLEIN said that, from paragraph 32 of the report, it was unclear whether the Covenant had the same rank as the Constitution within the domestic legal order. He would also be interested to know whether, in the experience of Argentina, any provisions of the Covenant had been found not to be sufficiently concrete to allow immediate application.

56. It would be helpful to know whether the administrative authorities with jurisdiction in human rights matters (paras. 16-18) had power to issue binding orders and could intervene in actual cases. Turning to the competent courts (para. 14), he wondered whether there were "any other bodies established by law" not composed of judges, and therefore not real courts, which had jurisdiction in human rights matters.

57. The connection between amnesty, impunity and human rights education should be further explored.

58. Mr. KRETZMER said that a number of individuals who had been convicted of human rights violations and pardoned remained in positions of power and responsibility. He wondered whether their conviction would have any effect on their prospects for promotion. It would be helpful if the delegation could cite

specific instances of decisions taken in the Argentine courts dealing with the Covenant, whether any court could rule on the validity of legislation in respect of the Covenant, and whether any mechanism existed for examining the compatibility of proposed legislation with international treaty obligations.

59. Mrs. MEDINA QUIROGA inquired whether the Argentine Government had considered the possibility of imposing sanctions other than criminal penalties, such as administrative trials or expulsion from the civil service, on those responsible for human rights violations in order to make it clear that the Government did not condone such actions. She was also curious to know how the Government would be informed about the opinions expressed by Committee members during the consideration of the report and whether it would take any action in response. More information was also needed on the relationship between the various human rights authorities.

60. Mr. BUERGENTHAL expressed admiration for the new Constitution of Argentina, which could serve as a model to many other countries that were in transition.

61. He inquired about the measures the Government could take against the persons responsible for the disappearances which had recently been disclosed. Some were still members of the armed forces and were being promoted, while those who had disclosed the information had been forced to leave the armed forces.

62. With regard to the Constitution, he noted the absence of the Geneva Conventions and Protocols in the list of international treaties with constitutional rank. During states of emergency, the Geneva Conventions became particularly important. He requested confirmation that article 4 of the Covenant regarding states of emergency had constitutional status and must be read in conjunction with article 23 of the Constitution.

63. Mr. Aguilar resumed the Chair.

64. Mr. ANDO requested further information on any mechanisms that had been established to enable individuals to realize their rights, such as actio popularis. With regard to the independence of the judiciary, the term "all sectors", mentioned in paragraph 10 of the report, and the relationship between the Supreme Court of Justice and the National Court of Criminal Cassation should be clarified.

65. He pointed out that the Universal Declaration of Human Rights did not include provisions on the rights of minorities because it had emphasized the rights of the individual. Moreover, when it was being drafted, most Governments were pursuing policies of assimilation of minorities. Their collective rights were protected under article 27 of the Covenant, however, and he would like to hear more about the current policy of the Argentine Government on minority questions.

The meeting rose at 1.05 p.m.